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May 21, 2008

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VIA CM/ECF FILING & HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 North King Street, Room 4209
Wilmington, DE 19801

***Re: Biggins v. Minner, et al.,
C.A. No. 08-004 GMS***

Dear Chief Judge Sleet:

As you may recall, I represented the Defendant Correctional Medical Services, Inc., in the above-referenced matter, which is now closed. On April 15, 2008, this Court denied Plaintiff's Motion for Temporary Restraining Order. (D.I. 45) Following review of the Complaint pursuant to 28 U.S.C. § 1915, the Court dismissed the Complaint on April 16, 2008 for, *inter alia*, failure to state a claim upon which relief could be granted. (D.I. 46) The Court further stated that amendment of the Complaint would be futile. *Id.*

On April 25, 2008, Plaintiff filed with this Court his Notice of intent to appeal the above-mentioned Orders to the Third Circuit. (D.I. 50) On May 20, 2008, Plaintiff filed with this Court his Motion for Reconsideration of those same Orders, more than thirty days after those Orders were entered. (D.I. 53, 54)

The undersigned counsel is unsure as to whether Plaintiff intends to pursue a remedy with respect to the dismissal of his Complaint at the Third Circuit, or whether Plaintiff intends to pursue the remedy of reconsideration before this Court, but counsel does not wish to prejudice his client by failing timely to respond in either forum. Nor does counsel wish to overburden this Court by filing responsive pleadings which may be neither required nor desired by the Court. Accordingly, CMS wishes to point out simply that Plaintiff has failed timely to seek his remedy before this Court (*see* D. Del. LR 7.1.5: "... If a party chooses to file a motion for reargument, said motion shall be filed within 10 days after the Court issues its opinion or decision. . . ."), and respectfully requests the Court inform counsel if it wishes to see a more thorough response to Plaintiff's Motion, at which time CMS will respond as directed by the Court.

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If any matter addressed herein raises any question or concern I remain, as always,
available at the call of the Court.

Respectfully Submitted,

James E. Drnec
(ID# 3789)

cc: Mr. James Arthur Biggins